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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/804,585

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Kathleen Nylund Jackson

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EXAMINER

HU, KANG

ART UNIT

PAPER NUMBER

3709

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,585

Applicant(s)

JACKSON, KATHLEEN NYLUND

Examiner

Kang Hu

Art Unit

3709

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :6/7/2004; 12/6/2004; 2/25/2005 .

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the abstract is longer than suggested length by MPEP. Correction is required. See MPEP § 608.01(b).

3. The disclosure is objected to because of the following informalities:

Page 8, lines 18 and 19: "bonusing" should be -- bonus --.

Page 11, line 3: "rata" should be -- rate --.

Page 11, line 3: "four" should be -- for --.

Page 11, line 8: "b" should be -- be --.

Page 19, line 16: "toher" should be -- their --.

Page 19, line 24: "awared" should be -- awarded --.

Page 20, line 8: "them" should be -- then --.

Appropriate correction is required.

Claim Objections

4. Claim 1 is objected to because of the following informalities:

Claim 1, line 8 “least one player” is suggested to be -- least one of said player --.

Claim 1, line 8: “least all players” is suggested to be -- least all of said players --.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 10 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being unclear and imprecise for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 10, 15: the claim recites the limitation “the player who received the jackpot may not participate in play for bonus awards” in lines 1-2 which contradict applicant’s independent claim which states “entering a special bonus event for at least all players presently playing the underlying wagering game” in line 7 of claim 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

8. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Luciano, Jr. et al. (US 6,887,154).

Re claim 1: Luciano discloses a method of playing a gaming system played by a plurality of players where a jackpot is awarded, the method comprising: players playing an underlying wagering game in which wagers are made by players; when an outcome occurs in the underlying wagering game that identifies that a jackpot is to be awarded to at least one player, entering a special bonus event for at least all players presently playing the underlying wagering game; (see col 9, lines 18-26) and randomly awarding bonuses to some of the at least all players in addition to any awards the some of the at least all players may win during continued play of the underlying wagering game (col 2, lines 46 - 49; col 3, lines 1-13).

Re claim 2: Luciano discloses the underlying game is a casino table game (col 5, lines 26-32)

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Re claim 3: Luciano discloses the underlying game is played on a slot-type wagering apparatus (col 5, lines 26-32).

Re claim 4: Luciano discloses the slot-type wagering apparatus is a networked wagering apparatus (col 4, lines 37, see fig 1).

Re claim 5: Luciano discloses the jackpot is a progressive jackpot (col 4, lines 42-47).

Re claims 6-8: Luciano discloses the bonuses do not decrement the jackpot (col 3, lines 13-20).

Re claims 9 and 11-14: Luciano discloses the bonuses are awarded to more than one but less than all players (col 2, lines 47-54).

Re claim 10 and 15: Luciano discloses the player who received the jackpot may not participate in play for bonus awards (col 4, lines 47-49).

Re claims 16 - 20: Luciano discloses the bonus is selected from the group consisting of immediate random bonus awards, immediate play bonus awards, mini-jackpot awards, free play awards, electronic game tickets, physical game tickets, and combinations thereof (col 4, lines 56-59; col 9, lines 26-36).

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Re claim 21: Luciano discloses a method of playing a gaming system played by a plurality of players where a jackpot is awarded, the method comprising: players playing an underlying wagering game in which wagers are made by players; when an outcome occurs in the underlying wagering game that identifies that a jackpot is to be awarded to at least one player, entering a special bonus event for at least all players presently playing the underlying wagering game; and randomly awarding bonuses to some of the at least all players in addition to any awards the some of the at least all players may win during continued play of the underlying wagering game, wherein the bonuses to some of the at least all players is based upon a progressive bonus jackpot (col 2, lines 46 - 49; col 3, lines 1-13).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Luciano in view of Adams et al. (US 5,743,798). The teachings of Luciano has been discussed above.

Re claim 22: Luciano teaches a method of playing a gaming system played by a plurality of players where a jackpot is awarded, the method comprising: players playing an underlying wagering game in which wagers are made by players; when an outcome occurs in the underlying

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wagering game that identifies that a jackpot is to be awarded to at least one player, entering a special bonus event for at least all players presently playing the underlying wagering game; and randomly awarding bonuses to some of the at least all players in addition to any awards the some of the at least all players may win during continued play of the underlying wagering game, wherein the bonuses to some of the at least all players is based upon a progressive bonus jackpot.

However Luciano did not expressly disclose the jackpot awarded is not a progressive jackpot.

Adams teaches a method and apparatus for playing a roulette game including an optional progressive jackpot bonus (col 2, lines 15-20).

Therefore in view of Adams, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a regular jackpot followed by an optional progressive bonus jackpot. It is well known to one of the ordinary skilled in the art that the participation drops after a jackpot has been won. The casinos have always awarded the active players with comps to keep the players interested and engaged in the game. It would have been obvious for the casinos to group the prizes together and increase participation by adding an additional progressive jackpot bonus after a regular jackpot to keep the players interested and engaged.

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Luciano and Adams are analogous art because they are from the same field of endeavor of progressive jackpot gaming methods.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Barrie teaches about progressive gaming system and progressive controller. Jones teaches about an apparatus for including a progressive jackpot component in a live casino table game. Acres 961' teaches about a system for monitoring and operating slot machines on the network to provide jackpots. Acres 483' teaches about implementing a bonus period during which a percentage of all money played on the selected machines accrues in a bonus pool. Gauselmann teaches about a method of shared jackpot system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kang Hu whose telephone number is (571)270-1344. The examiner can normally be reached on 7:30 - 5(M-F) (Off every other friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk(James) Lee can be reached on 571-272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KH/
Kang Hu
October 16, 2006

A handwritten signature in black ink, appearing to read 'J. Lee', with a large, stylized initial 'J'.

JONG SUK LEE
SUPERVISORY PATENT EXAMINER